AO 91 (Rev 8/01) Criminal Complaint

United States District Court

SOUTHERN DISTRICT OF **TEXAS**

McALLEN DIVISION

UNITED STATES OF AMERICA
V.

CRIMINAL COMPLAINT

Juan Carlos Moncada-Mendoza *Principal* Mexico
YOB: 1976

Claudia Miriam Montes-Rodriguez *Co-Principal* Mexico
YOB: 1971

(Name and Address of Defendant)

United States District Court
Southern District of Texas
FILED
FEB 0 8 2017
Clerk of Court

Case Number:
M-17-0258-M

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about February 6, 2017 in Hidalgo County, in the Southern District of Texas defendants(s) did,
(*Track Statutory Language of Offense*)

knowing or in reckless disregard of the fact that Maria Veronica Chinchilla-Flores, a citizen of Honduras, and Jaqueline Ivonne Santa Maria-Pineda, a citizen of El Salvador, along with twelve (12) other undocumented aliens, for a total of fourteen (14), who had entered the United States in violation of law, concealed, harbored or shielded from detection or attempt to conceal, harbor, or shield from detection such aliens in any place, including any building or means of transportation,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(iii)
I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

Between February 1, 2017 and February 6, 2017 Border Patrol Agents assigned to JTT conducted surveillance on two subjects suspected of harboring of illegal aliens and known to be in the United States illegally. The two subjects are identified as Juan Carlos MONCADA-Mendoza, and his common law wife, Claudia Miriam MONTES-Rodriguez.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint: [X] Yes [ ] No

[signature]
Signature of Complainant

Julio C. Peña Senior Patrol Agent
Printed Name of Complainant

Sworn to before me and subscribed in my presence,

February 8, 2017 at McAllen, Texas
Date City and State

Dorina Ramos , U. S. Magistrate Judge
Name and Title of Judicial Officer

[signature]
Signature of Judicial Officer

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS

ATTACHMENT TO CRIMINAL COMPLAINT:

M-17- 0258 -M

RE: Juan Carlos Moncada-Mendoza
Claudia Miriam Montes-Rodriguez

CONTINUATION:

Surveillance started at 4209 Flamingo Ave. in McAllen, Texas, where MONTES was seen leaving the residence at 4:00 pm in a silver Dodge Avenger, and returning to the house about an hour later. When she returned, she pulled into the garage and shut the garage door before anyone could be seen exiting the vehicle.

The following day, at approximately 10:30 am, agents observed the same car, driven by MONTES, pull into another residence located at 3616 Date Palm Ave. in McAllen, Texas. She parked the Avenger in the driveway and walked to a window and knocked on the window. Shortly after, the garage door opened and she pulled into the garage. The garage door shut once again before anyone could be seen exiting the vehicle.

Later in the day, MONTES left the residence, driving the same Avenger, and drove to a nearby ACE Cash Advance in north McAllen, then drove to south McAllen, and finally to Walmart in Edinburg. In the Walmart parking lot, MONTES met with the driver of a Ford Expedition. MONTES then drove to a nearby stripes and purchased 12 packs of soda. She then drove back to the south McAllen area where agents terminated surveillance.

On February 3, 2017, agents again conducted surveillance at 3616 Date Palm Ave. MONTES left the residence and travelled to Fallas Paredes clothing store in McAllen. Fallas Paredes has been a meeting point of many alien smugglers in the past. MONTES parked next to a black Jeep Liberty, and both MONTES and the driver of the Jeep Liberty exited the vehicles and had a conversation. Moments later, three adult males exited the Jeep Liberty and boarded the Avenger. MONTES and the three males travelled back to Date Palm and were seen entering the garage of the Date Palm address. The garage door closed before anyone exited the vehicle.

On February 6, 2017, agents observed Juan Carlos MONCADA-Mendoza depart the residence in the silver Avenger and purchase several cases of water and six 12-packs of soda.
He then returned to the Date Palm address.

Later that day, MONTES and MONCADA both departed the Date Palm address. Hidalgo County Constable D. Sanchez conducted a vehicle stop for failing to use a turn signal. JTT agents arrived on scene and questioned the occupants of the Avenger. Both MONTES and MONCADA admitted to being in the U.S. illegally, and were read their rights on scene. MONCADA stated she thought the Border Patrol agents had been following them the whole time. Additionally she told agents she had staged approximately 12 UDAs at the Date Palm residence during the past week. She granted agents permission to enter the Date Palm residence.

Agents and HC Constables returned to the Date Palm residence and found 14 undocumented aliens inside the house. All subjects were transported to the Weslaco Border Patrol Station.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS

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RE: Juan Carlos Moncada-Mendoza
Claudia Miriam Montes-Rodriguez

CONTINUATION:

PRINCIPALS' STATEMENTS:

Both principals were read their rights.

1- Juan Carlos MONCADA-Mendoza declined to provide a statement without the presence of an attorney.

2- Claudia Miriam MONTES-Rodriguez was willing to provide a statement without the presence of an attorney.

MONTES told agents she entered the United States illegally by claiming to be a United States citizen at the Hidalgo Port of Entry. She told agents she knew she was arrested because she was illegal and she was holding other illegal aliens in her house. According to MONTES, she was working for a man she knew as Choya, and she has held illegal aliens in her house for the past three weeks. MONTES received calls from an anonymous person who was also working for Choya. That person would give her a location and a description of a vehicle that she would meet with to pick up illegal aliens. After meeting with the described vehicle, the UDAs would board her vehicle and she would transport them to her house to await the trip north.

According to MONTES, a truck would arrive at her house, back into the garage and close the garage door, as to not be seen from the street. The illegal aliens would then board the truck and depart the house.

MONTES told agents Choya had paid her $1,700 to rent the house she lives in. Additionally, she was supposed to be paid $30 for each UDA she harbored, though she denied receiving payment for them yet.

Agents found $2,258 in the car she was driving, which MONTES claimed belonged to Choya. In fact, MONTES told agents they should have waited a little longer because she was on her way to meet up with Choya to deliver the money to him, and according to MONTES, agents could have caught him as well.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS

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M-17- 0258 -M

RE: Juan Carlos Moncada-Mendoza
Claudia Miriam Montes-Rodriguez

CONTINUATION:

MATERIAL WITNESSES' STATEMENTS:

Both material witnesses were read their rights. Both stated they were willing to provide a statement without the presence of an attorney.

1- Maria Veronica Chinchilla-Flores, a citizen of Honduras, claimed she was charged $5,000 (USD) to be smuggled to the United States. After illegally crossing the Rio Grande River, Chinchilla told agents she was transported to a house, and later picked up and taken to a parking lot. In the parking lot, a blonde woman driving a grey four door car arrived and picked her up. The blonde woman, who Chinchilla identified as MONTES in a photo lineup, transported her to the house where she was arrested.

Chinchilla told agents there were two people in charge of the house. Chinchilla identified MONTES as the one who fed the illegal aliens and gave them instructions. MONTES also told the people where they could shower and where they could find food and drinks. Chinchilla told agents MONTES' husband, who she thought was named Carlos, would go grocery shopping with MONTES for the illegal aliens staying at the house. Chinchilla identified MONCADA in a photo lineup as the man she knew as Carlos.

2- Jaqueline Ivonne Santa Maria-Pineda, a citizen of El Salvador, claimed she was charged $6,000 (USD) to be smuggled into the United States. Santa Maria told agents she was smuggled across the Rio Grande River and taken to a parking lot where a blonde woman arrived in a grey car. Three of the smuggled aliens boarded the grey car, and three others stayed behind because there wasn't any room in the grey car. Santa Maria identified MONTES in a photo lineup as the blonde woman driving the grey car. Santa Maria stated MONTES drove straight into the garage of her residence. MONTES told the illegal aliens to take a shower and where they could find food. The illegal aliens were not allowed to exit the house except to hang their clothes in the back yard. Santa Maria also stated MONTES' husband accompanied MONTES to buy groceries for the group. Santa Maria identified Juan Carlos MONCADA-Mendoza in a photo lineup as MONTES' husband.